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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,058	09/29/2000	Edward Friery	14097	1687

7590 06/10/2002
Sally J Brown
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3350 Airport Road
Ogden, UT 84405

EXAMINER

LUM, LEE S

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/677,058

Applicant(s)
Frery et al

Examiner
Lum, Lee S.

Art Unit
3611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Req for Reconsideration filed 4/2/02

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-29 is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-29 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

6) ☐ Other:

DETAILED ACTION

1. A Request for Reconsideration was filed 4/02/02.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-14, 16-18, 20, 21, 23, 24 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al 5499842.

Re **Claims 1, 3-7, 9-13, 16-18, 21, 24, 27 and 28**, Yamamoto discloses cover 10 for safety restraint device M comprising

face portion 11/12 positioned between the device and interior compartment of the vehicle, the face portion comprising exterior side (unidentified) facing away from the device, and,

seam 15 ("H-shape" - Col 5, lines 40-41) in the face portion, comprising nonlinear portion 21 having first and second ends (Fig 1), and a plurality of bends, including ones with sharp corners (12a-d), and of nonuniform size and shape, in consecutively alternating directions (the latter outlined in red in Fig A),

the seam further comprising linear segments 18/19 proximate first/second ends of the nonlinear portion, with nonlinear segment α between these segments (the latter outlined in red in Fig B),

and first/second linear sides 15/16 substantially perpendicular to the first/second ends of the nonlinear portion.

Re **Claim 8**, the patent discloses a plurality of pairs of bends (Fig C).

Re Claims 14, 20 and 23, the patent discloses the face portion as formed by single-shot construction (Col. 4, line 62), and operates exclusively of an outer layer.

(NOTE: The process by which an apparatus is made has no patentable weight.)

Re Claim 29, the patent discloses the seam as comprising recessed portion 15 which is thinner in crosssection than the face portion (Fig 3).

FIG. A

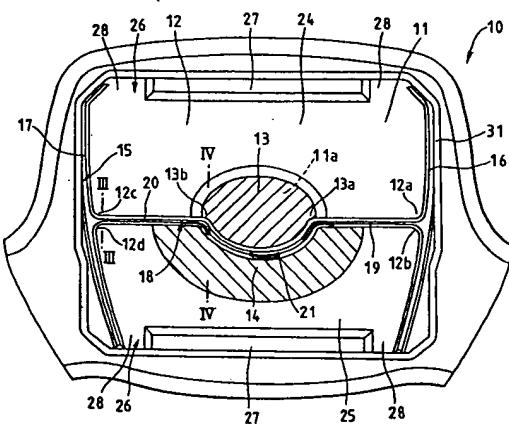


FIG. B

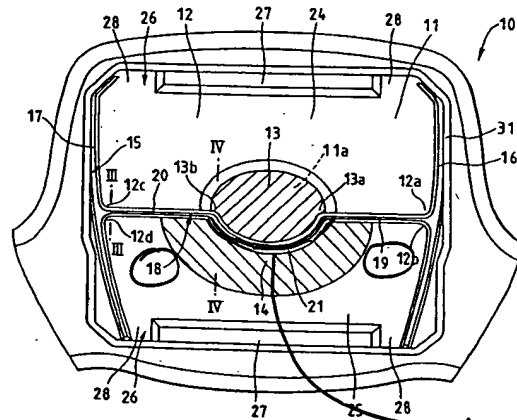
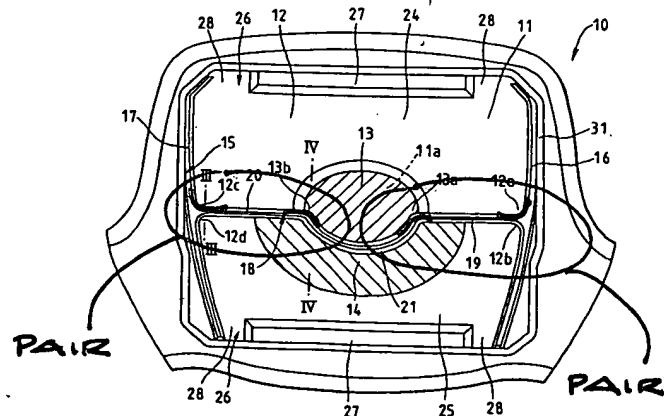


FIG. C



3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 15, 19, 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Rheinlander 5863064.

Yamamoto does not disclose an outer, and cosmetic, layer to the exterior of the face portion while Rheinlander discloses outer layer 20, with interior layer 22 having seam 30.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include an outer layer having a cosmetic surface attached to the face portion, which includes the tear seam, for adaptation to different applications.

4. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure, in addition to the art listed on the IDS filed 1/26/01: Edie 6211476, Kreile 6199897, Goto et al 6129378, Rahmstorf et al 6106003, Proos et al 5335935, Adams et al 5314203.


5. RESPONSE TO REMARKS: Moot in light of new art rejections.

6. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-530, M-F. Our fax number is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
5/30/02



 5/31/02
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800